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14 Attorneys for Plaintiff,
15 Erricka Gonzalez

16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA
18 WESTERN DIVISION

19 Erricka Gonzalez,

20 Plaintiff,

21 vs.

22 Paypal, Inc.,

23 Defendant.

Case No.:

COMPLAINT FOR DAMAGES

FOR VIOLATIONS OF:

1. THE TELEPHONE CONSUMER PROTECTION ACT;
2. THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

JURY TRIAL DEMANDED

1 Plaintiff, Erricka Gonzalez (hereafter “Plaintiff”), by undersigned counsel,
2 brings the following complaint against Paypal, Inc. (hereafter “Defendant”) and
3 alleges as follows:
4

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the
7 Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA”), and repeated
8 violations of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788,
9 *et seq.* (“Rosenthal Act”).
10

11 2. Jurisdiction of this Court arises under 47 U.S.C. § 227(b)(3), Cal. Civ.
12 Code 1788.30(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1367.
13

14 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
15 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
16 where Defendant transacts business in this district.
17

18 **PARTIES**

19 4. Plaintiff is an adult individual residing in Palmdale, California, and is a
20 “person” as defined by 47 U.S.C. § 153(39) and Cal Civ. Code § 1788.2(g).
21

22 5. Plaintiff is a “debtor” as defined by Cal. Civ. Code § 1788.2(h).
23

24 6. Defendant is a business entity located in San Jose, California, and is a
25 “person” as the term is defined by 47 U.S.C. § 153(39) and Cal Civ. Code §
26 1788.2(g).
27
28

1 7. Defendant, in the ordinary course of business, regularly, on behalf of
2 itself or others, engages in the collection of consumer debts, and is a “debt collector”
3 as defined by Cal. Civ. Code § 1788.2(c).
4

5
6 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

7 8. Plaintiff is a natural person allegedly obligated to pay a debt asserted to
8 be owed to Defendant.
9

10 9. Plaintiff’s alleged obligation arises from a transaction in which property,
11 services or money was acquired on credit primarily for personal, family or household
12 purposes and is a “consumer debt” as defined by Cal. Civ. Code § 1788.2(f).
13

14 10. At all times mentioned herein where Defendant communicated with any
15 person via telephone, such communication was done via Defendant’s agent,
16 representative or employee.
17

18 11. At all times mentioned herein, Plaintiff utilized a cellular telephone
19 service and was assigned the following telephone number: 661-XXX-3411 (hereafter
20 “Number”).
21

22 12. Beginning in June of 2016, Defendant placed calls to Plaintiff’s Number
23 in an attempt to collect a debt.
24

25 13. The aforementioned calls were placed using an automatic telephone
26 dialing system (“ATDS”) and/or by using an artificial or prerecorded voice
27 (“Robocalls”).
28

1 28. The Rosenthal Act was passed to prohibit debt collectors from engaging
2 in unfair and deceptive acts and practices in the collection of consumer debts.

3
4 29. Defendant caused Plaintiff's telephone to ring repeatedly or continuously
5 to annoy Plaintiff, in violation of Cal. Civ. Code § 1788.11(d).

6
7 30. Defendant communicated with Plaintiff with such frequency as to be
8 unreasonable, constituting harassment, in violation of Cal. Civ. Code § 1788.11(e).

9 31. Plaintiff was harmed and is entitled to damages as a result of Defendant's
10 violations.
11

12
13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff prays for judgment against Defendant for:

15 A. Statutory damages of \$500.00 for each call determined to be in violation
16 of the TCPA pursuant to 47 U.S.C. § 227(b)(3);

17
18 B. Treble damages for each violation determined to be willful and/or
19 knowing under the TCPA pursuant to 47 U.S.C. § 227(b)(3);

20 C. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);

21
22 D. Statutory damages of \$1,000.00 for knowingly and willfully committing
23 violations pursuant to Cal. Civ. Code § 1788.30(b);

24 E. Costs of litigation and reasonable attorneys' fees pursuant to Cal. Civ.
25 Code § 1788.30(c);

26 F. Punitive damages; and
27
28

1 G. Such other and further relief as may be just and proper.
2

3 **TRIAL BY JURY DEMANDED ON ALL COUNTS**
4

5
6 DATED: January 13, 2017

TRINETTE G. KENT

7 By: /s/ Trinette G. Kent
8 Trinette G. Kent, Esq.
9 Lemberg Law, LLC
10 Attorney for Plaintiff, Erricka Gonzalez
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